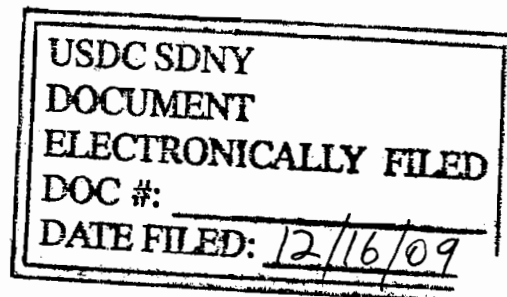


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PEARSON EDUCATION, INC., CENGAGE  
LEARNING INC.,



Plaintiffs,

- against -

08 Civ. 8034 (DAB) (AJP)  
ADOPTION OF REPORT  
AND RECOMMENDATION

HENRY NUGROHO, d/b/a SBOOKS4SALE,  
d/b/a MR. SBOOKS 4 SALE, d/b/a  
SURYANET,

Defendant.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Andrew J. Peck, which was filed October 27, 2009. The Report recommends that Plaintiffs' Motion for Summary Judgment against Defendant Henry Nugroho be GRANTED because no genuine issue of material fact remains as to Plaintiffs' allegations that they have registered the copyrights for the textbooks at issue and that the instructor's solutions manuals for those textbooks, which were sold by Defendant, qualify as "derivative works" within the meaning of the Copyright Laws. (Report at 6-10.)

Furthermore, the Report recommends that Plaintiffs be awarded the minimum statutory damages of \$750.00 for each copyrighted textbook that Nugroho infringed, totaling \$97,500.00 for Pearson and \$42,750.00 for Cengage. (Report at 13.) Finally,

the Report recommends that because Plaintiffs have satisfied the four step test for a permanent injunction, Defendant Nugroho should be enjoined from publishing and/or selling any instructor's solutions manuals to any of Plaintiffs' copyrighted textbooks. (Report at 13-16.)

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised accordingly in Judge Peck's Report and Recommendation, to date, no objections to the Report have been filed.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 40, of United States Magistrate Judge Andrew J. Peck, dated October 27, 2009, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Plaintiffs' Motion for Summary Judgment is GRANTED;

3. Plaintiff Pearson is awarded statutory damages of \$97,500.00.


4. Plaintiff Cengage is awarded statutory damages of \$42,750.00.

5. Defendant Nugroho is permanently enjoined from publishing and/or selling any instructor's solutions manuals to any of Plaintiffs' copyrighted textbooks.

6. Clifford James, Esq., the temporary receiver appointed by this Court to managed Defendant's attached E\*Trade accounts, shall turn over the funds from that account to Plaintiffs in partial satisfaction of this judgment.

SO ORDERED.

DATED: New York, New York  
December 16, 2009

  
Deborah A. Batts  
United States District Judge